

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS VAZQUEZ-DIAZ,

Plaintiff,

-against-

JOHN DOE WARDEN OF MCC/NY, *et al.*,

Defendants.

22-CV-3332 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in the Medical Center for Federal Prisoners in Springfield, Missouri, brings this *pro se* action under 42 U.S.C. § 1983, alleging that his constitutional rights were violated during his incarceration in New York. For the following reasons, the complaint is dismissed without prejudice.

Plaintiff has previously submitted to this Court an identical complaint, alleging that his constitutional rights were violated during his incarceration at the Metropolitan Correctional Center, Sing Sing Correctional Facility, Auburn Correctional Facility, and the Monroe County Jail. That case remains pending. *See Vazquez-Diaz v. Doe*, ECF 1:22-CV-3315, 2. Because this complaint raises the same claims against the same defendants, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 22-CV-3315 (UA).

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSIOIN

The Court dismisses Plaintiff's complaint as duplicative of 22-CV-3315 (UA).

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 26, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge